

UPLOAD Cover Page

12/09/2021

To. UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT
Southern District of New York
300 Quarropas Street, Room 147
White Plains, NY 10601
Attn. Honorable Judge Robert D. Drain

From. Kingdom Seekers Inc./ Aron Goldberger
15 S Bridge Street Suite #312
Poughkeepsie, NY 12601
845-471-2760 Fax and Phone #
kingdomseekersinc2020@gmail.com

Subject- Letter To Judge Regarding Case No 18-23538 Claim # 26515 and #26517
Request for Honorable Judge Drain's Favorable decision in Granting
Kingdom Seekers Inc. Priority Claim and Administrative Expense Claim Status
with documents of liens, Security Interest, Judgements, Evidence and other
Documented Forms of Perfection.

Yahoo Mail - Fw: Keeping Track of my Commercial Referred Leads

12/9/21, 8:06 PM

proprietary or legally privileged information. If you are not the intended recipient, please delete it without reading the contents. Thank you.



image001.gif
2.9kB

Fw: FLS Lead Program for Sears Commercial

From: Odrica Harrow (odrica@yahoo.com)
To: fz@fzapatatalaw.com
Date: Monday, March 30, 2015, 05:10 PM EDT

Odrica Harrow
(347)-552-7523
Email-odrica@yahoo.com

On Tuesday, October 4, 2011 8:07 PM, Odrica <odrica@yahoo.com> wrote:

Thank you Kimberly. I did receive info regarding tracking the leads from Arquette. I will login to pebble and check to see if the info I'm searching for is available. Will be in contact if anything.

Thanks again.
Odrica

Sent from my iPhone

On Oct 4, 2011, at 6:00 PM, "Hunter, Kimberly" <Kimberly.Hunter@searshc.com> wrote:

Thank you Arquette

Odrica
If there is a lead you believe you haven't been paid for pls send us the customer info and we will research.

Thanks
Kimberly Hunter
Director Field Commercial Operations
Kimberly.Hunter@searshc.com
706-771-8507: Office
706-495-2664: Cell
847-396-1992: Fax

Yahoo Mail - Fw: FLS Lead Program for Sears Commercial

From: Gibson, Arquette
Sent: Tuesday, October 04, 2011 05:57 PM
To: 'Odrica' <odrica@yahoo.com>
Cc: Caljouw, Lynne; Hunter, Kimberly; Baird, Geoffrey
Subject: RE: FLS Lead Program for Sears Commercial

Odrica,

I have talked with Gina Riley and it is my understanding that the new full-line program guidelines were covered with you in June of this year. Based on the new program, full-line associate are no longer paid a referral fee for a lead but are paid once a lead has produced sales.

I have reviewed the sales data through 9/24/11 and there are no sales for the leads that you have provided.

Also, I am no longer processing payments for the lead program. Please refer to the instructions for the program on the Sears Intranet site. The information below is from the Sears Commercial Business Customer Support Job Aid:

Q: Where can I check on the status of my payment?
A: Pending transactions will be posted on the Sears Commercial intranet site. Generic payment notifications will also be posted to Pebble as part of the Business Customer Support Win Wire -- be sure to join the Business Customer Support Pebble group. Here is the standard posting template "Win Wire -- at store #xxxx a builder needed to pay for its purchase 30 days after delivery. The associate requested Business Customer Support from Sears Commercial, who helped with commercial credit. A Sxx sale closed and the associate will receive full commission"

Please use the above information to check the status of future payments.

Thanks for your continued support.

-----Original Message-----
From: Odrica [<mailto:odrica@yahoo.com>]
Sent: Tuesday, September 27, 2011 4:42 PM
To: Gibson, Arquette
Subject: Re: FLS Lead Program for Sears Commercial

Hi Arquette, this is just a follow up from last week regarding payments due to me during lapse on payroll and up to date for FLS referral, also status on new spreadsheet to date on all referrals sent. Please let me know where we a

Odrica
9143386393

Sent from my iPhone

On Jun 6, 2011, at 5:23 PM, "Gibson, Arquette" <Arquette.Gibson@searshc.com> wrote:

12/9/21, 8:51 PM

The Associate Service Center has confirmed that the payment was included in your check on 06/03/11. This would have been reflected on your check as a code 574.

Please review and let me know. Thanks.

-----Original Message-----

From: odrica@yahoo.com [mailto:odrica@yahoo.com]

Sent: Monday, June 06, 2011 5:13 PM

To: Gibson, Arquette

Subject: Re: FLS Lead Program for Sears Commercial

Hi Arquette, hope you enjoyed your weekend. Any feedback on the referral fees to be paid?

Yahoo Mail - RE: Lead Assignment Info

12/9/21, 8:56 PM

RE: Lead Assignment Info

From: Odrica Harrow (odrica@yahoo.com)
To: David.Aronson@searshc.com
Date: Monday, March 14, 2011, 08:22 PM EDT

Thanks David!

Odrica Harrow-Ested
914-338-6393
Email-odrica@yahoo.com

--- On Mon, 3/14/11, Aronson, David <David.Aronson@searshc.com> wrote:

From: Aronson, David <David.Aronson@searshc.com>
Subject: RE: Lead Assignment Info
To: odrica@yahoo.com
Cc: "Contract Sales File Administration" <csfadm@searshc.com>
Date: Monday, March 14, 2011, 8:10 PM

Hi Odrica,

Two of your leads have been qualified and converted to opportunities:

- ❖ [Lakeview Mental Health Services](#)
- ❖ [Revel Entertainment Group LLC](#).

We have not been able to determine the amount of either of these opportunities at this time. The remaining 29 leads are in various stages of being worked.

Thanks again for your support.

Dave

DA

312.725.4514

-----Original Message-----

From: Contract Sales File Administration
Sent: Monday, March 14, 2011 4:58 PM
To: odrica@yahoo.com; Aronson, David
Subject: RE: Lead Assignment Info

Odrica: Thank you for teh e-mail but I did not get a list of customers to check the lead program for. Dave is there an easier way for a retail associate to check on the leads he/she has submitted without sending us a list to check in sales force for? Please let both myself and Odrica kknow what that process is.

Thank you,

Soozi Wall

File Administration

Sears Commercial

1-800-359-2000 option 7 extension 14003

fax # 1-800-760-7953

From: odrica@yahoo.com [mailto:odrica@yahoo.com]
Sent: Mon 3/14/2011 2:03 PM
To: Contract Sales File Administration
Subject: Lead Assignment Info

Hi Susie, I hope I have the correct spelling of your name. Here is the email request for as much detail as possible on all the leads I referred.
Sent from my Verizon Wireless BlackBerry

This message, including any attachments, is the property of Sears Holdings Corporation and/or one of its subsidiaries. It is confidential and may contain proprietary or legally privileged information. If you are not the intended recipient, please delete it without reading the contents. Thank you.

Yahoo Mail - RE: Lead Assignment: Info

12/9/21, 8:56 PM

Yahoo Mail - RE: Lead Assignment Info

12/9/21, 9:02 PM

RE: Lead Assignment Info

From: Odrica Harrow (odrica@yahoo.com)
To: David.Aronson@searshc.com
Date: Monday, March 14, 2011, 08:22 PM EDT

Thanks David!

Odrica Harrow-Ested
914-338-6393
Email-odrica@yahoo.com

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Subject: RE: Lead Assignment Info
To: odrica@yahoo.com
Cc: "Contract Sales File Administration" <csfadm@searshc.com>
Date: Monday, March 14, 2011, 8:10 PM

Hi Odrica,

Two of your leads have been qualified and converted to opportunities:

- ❖ Lakeview Mental Health Services
- ❖ Revel Entertainment Group LLC.

We have not been able to determine the amount of either of these opportunities at this time. The remaining 29 leads are in various stages of being worked.

Thanks again for your support.

Dave

Yahoo Mail - RE: Lead Assignment Info

DA

312.725.4514

-----Original Message-----

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Subject: RE: Lead Assignment Info

Odrica: Thank you for teh e-mail but I did not get a list of customers to check the lead program for. Dave is there an easier way for a retail associate to check on the leads he/she has submitted without sending us a list to check in sales force for? Please let both myself and Odrica kknow what that process is.

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Sears Commercial

1-800-359-2000 option 7 extension 14003

fax # 1-800-760-7953

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To: Contract Sales File Administration
Subject: Lead Assignment Info

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12/9/21, 9:02 PM

Yahoo Mail - RE: Lead Assignment; Info

*2/9/21, 9:02 PM

Yahoo Mail - Fw: commercial leads

12/9/21, 9:05 PM

Fw: commercial leads

From: odrica@yahoo.com (odrica@yahoo.com)

To: kingdomseekersinc2020@gmail.com

Date: Monday, December 6, 2021, 01:52 PM EST

----- Forwarded Message -----

From: Odrica Harrow <odrica@yahoo.com>

To: fz@fzapatalaw.com <fz@fzapatalaw.com>

Sent: Monday, March 30, 2015, 05:16:22 PM EDT

Subject: Fw: commercial leads

Odrica Harrow

(347)-552-7523

Email-odrica@yahoo.com

On Monday, July 25, 2011 10:53 AM, "Harrow, Odrica L" <Odrica.Harrow@searshc.com> wrote:

Sears Holdings
Odrica Harrow
Consultative Sales/ Home Appliances
100 Main St. White Plains, NY
Store 914-644-1528
Cell 914-338-6393
email odrica.harrow@searshc.com
email to mobile device odrica@yahoo.com

YOU ARE HEREBY NOTIFIED to appear and attend before Linda Fenstermaker, the Regional Director of the New York State Division of Human Rights, or the duly designated representative, **Nadia Dawoud**, Human Rights Specialist I, and **Jeffrey Florestal**, at the Division offices located at: **7-11 South Broadway, Suite 314, White Plains, New York 10601**, or **VIA TELEPHONE** as previously arranged, on **10/27/2016, at October 27, 2016**, for a conference in connection with the investigation in the above-captioned proceeding with respect to a charge that the Respondent violated § 296 of the Human Rights Law. You may bring a lawyer if you desire, but it is not necessary for you to do so.

Please bring with you or have available all other witnesses, books, records, papers, and documents pertaining to this matter, including:

TO: Complainant
Aron Goldberger
405 Tarrytown Rd Apt 1120
White Plains, NY 10607

Federal Charge No. 16GB603169

NEW YORK STATE DIVISION OF HUMAN RIGHTS on the Complaint of	
Complainant,	ARON GOLDBERGER,
v.	
Respondent.	SEARS, ROEBUCK AND CO.,

Case No. 10182188

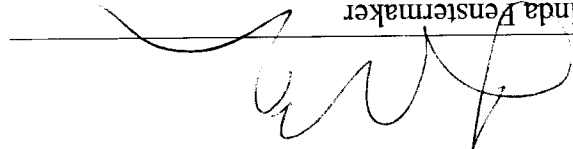
NOTICE OF CONFERENCE
AND
PRODUCTION OF RECORDS

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

Note: If attending in person, government issued photo identification (such as a drivers license) may be necessary for entry into the building.

Please contact Nadia Dawoud, Human Rights Specialist I, at (914) 989-3115 and Jeffrey Forestal, at (914)989-3119 within five business days of receipt of this notice, to confirm that you will be attending the conference, and if you are attending via telephone, to provide the telephone number where you can be reached for the conference. NOTE: No adjournments will be granted unless requested within five business days of receipt of this notice, with suggested alternate dates provided. Such requests must be made in writing to the Human Rights Specialist assigned. Only one such adjournment request per party will be granted. Requests for extensions of more than two weeks will not be granted.

Protection of personal privacy: The Division observes a personal privacy protection policy consistent with Human Rights Law § 297.8 which governs what information the Division may disclose, and the N.Y. Public Officer's Law § 89 and § 96-a, which prohibit disclosure of social security numbers and limit further disclosure of certain information subject to personal privacy protection. Please redact or remove personal information from any documentation submitted to the Division, unless and until the Division specifically requests any personal information needed for the investigation. The following information should be redacted: the first five digits of social security numbers; dates of birth; home addresses and home telephone numbers; any other information of a personal nature. The following documentation should not be submitted unless specifically requested by the Division: medical records; credit histories; resumes and employment histories. The Division may return your documents if they contain personal information that was not specifically requested by the Division. If you believe that

STATE DIVISION OF HUMAN RIGHTS

Linda Fenstermaker
Regional Director
Tel: (914) 989-3120
Fax: (914) 285-9033

Dated: October 13, 2016
White Plains, New York

Inclusion of any such personal information is necessary to support your position, please contact me to discuss before submitting such information.
Please address all requests, questions, and other communication to Nadia Dawoud, Human Rights Specialist I, and Jeffrey Florestal, at the above numbers.

TO:

Complainant

Aron Goldberger
405 Tarrytown Rd Apt 1120
White Plains, NY 10607

Respondent

Sears, Roebuck and Co.
Attn: President
3333 Beverly Road, A3-115B
Hoffman Estates, IL 60179

Respondent Attorney

Betsey McGrail, Fair Employment Consultant
Sears Holdings Management Corporation
3333 Beverly Road, A3-130B
Hoffman Estates, IL 60179

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF HUMAN RIGHTS on the Complaint of	
ARON GOLDBERGER,	Complainant,
v.	
SEARS, ROEBUCK AND CO.,	Respondent.

Federal Charge No. 16GB603169

Pursuant to the provisions of § 297.4a of the Human Rights Law (Executive Law, Article 15) of the State of New York, and the New York State Division of Human Rights ("Division"), Rules of Practice § 465.4, the complaint in the aforesaid proceeding is amended as follows:

The Respondent, named in the original complaint as:

SEARS, ROEBUCK & COMPANY / KMART

has been modified to the correct legal name for this entity, as follows:


SEARS, ROEBUCK AND CO

The above caption to this document reflects the correct caption for this complaint, as modified and accepted for filing by the Division.

Dated: September 7, 2016
White Plains, New York

STATE DIVISION OF HUMAN RIGHTS

By:



Linda Fenstermaker
Regional Director

HELEN DIANE FOSTER
Commissioner

August 15, 2016

Aron Goldberger
405 Tarrytown Rd Apt 1120
White Plains, NY 10607

Re: Aron Goldberger v. Sears, Roebuck and Co.
Case No. 10182188

Dear Aron Goldberger:

Enclosed is a copy of the respondent's written response to your recently filed complaint. At this time, we are asking you to submit a written response (known as a "rebuttal") to the enclosed material, in order to further the investigation of your case. Please include your case number on your submission.

Please review the enclosed, and submit your written rebuttal to us by 8/30/2016. The Division will not extend the time for this response, unless good cause is shown in a written application, submitted at least five (5) calendar days prior to the time the response is due.

If we do not hear from you, we will assume you have nothing to add. The case may then be decided on the basis of what is in the file.

Protection of personal privacy: You may wish to submit documents in support of your complaint. The Division observes a personal privacy protection policy consistent with Human Rights Law § 297.8 which governs what information the Division may disclose, and the N.Y. Public Officer's Law § 89 and § 96-a, which prohibit disclosure of social security numbers and limit further disclosure of certain information subject to personal privacy protection. Please redact or remove personal information from any documentation submitted to the Division, unless and until the Division specifically requests any personal information needed for the investigation. The following information should be redacted: the first five digits of social security numbers; dates of birth; home addresses and home telephone numbers; any other information of a personal nature. The following documentation should not be submitted unless specifically requested by the Division: medical records; credit histories; resumes and employment histories. The Division may return your documents if they contain personal information that was not specifically requested by the Division. If you believe that inclusion of any such personal information is necessary to support your complaint, please contact me to discuss before submitting such information.

What for then that I was supposed to do

Nothing for my own company because they form the way I work

Please remember that you must notify us immediately, in writing, of any change in your address or telephone number. Thank you for your cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Linda Fenstermaker". The signature is stylized with a large, looped "L" and a cursive "Fenstermaker".

Linda Fenstermaker
Regional Director

*failed to pay commission and register
and denied unemployment disability
benefits occurred of that month after benefits*

- What did the person/company you are complaining against do? Please check all that apply.
- ☒ Refused to hire me
 - ☒ Fired me / laid me off
 - ☒ Did not call me back after a lay-off
 - ☐ Demoted me
 - ☐ Suspended me
 - ☐ Sexually harassed me
 - ☒ Harassed or intimidated me (other than sexual harassment)
 - ☐ Denied me training
 - ☒ Denied me a promotion or pay raise
 - ☒ Denied me leave time or other benefits
 - ☒ Paid me a lower salary than other workers in my same title
 - ☐ Gave me different or worse job duties than other workers in my same title
 - ☐ Denied me an accommodation for my disability
 - ☐ Denied me an accommodation for my religious practices
 - ☒ Gave me a disciplinary notice or negative performance evaluation
 - ☐ Other:

ACTS OF DISCRIMINATION

Are you currently working for the company?

☐ Yes ☒ No

Date of hire: () Month / day / year () Month / day / year () Month / day / year

Last day of work: () Month / day / year () Month / day / year () Month / day / year

☒ I was not hired by the company

Date of application: () Month / day / year () Month / day / year () Month / day / year

What is your job title? *The Appraiser*

What was your job title? *David Freeman*

How many employees does this company have?

- a) 1-3 b) 4-14 c) 15 or more d) 20 or more e) Don't know

Don't know

EMPLOYMENT OR INTERNSHIP DISCRIMINATION

Please answer the questions on this page only if you were discriminated against in the area of employment or internship. If not, turn to the next page.

DESCRIPTION OF DISCRIMINATION - for all complaints (Public Accommodation, Employment, Education, Housing, and all other regulated areas listed on Page 3)

Please tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory.

PLEASE TYPE OR PRINT CLEARLY.

From 2011, I have denied me Commission
and or corporate level. Constantly
state my commission, delayed payments
for medical leave of absence, during
suspension. After by I account greatly
at other times because little my
must not work on long periods
failed to compensate. Delayed
reduction, caused serious loss of
property.

I had my car and related goods
by taking through school emails

Failed to hire me. Was not leading me.

Other comments on state 3 corporate level.

Threatened reputation, bloody accusing me
of stealing. Failed to notify me of
termination. Wanted to pay salary and receive sever

Disregard requested compensation, disability, and
leave of absence payment, causing
constant stress, anxiety, and loss of property.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. PLEASE DO NOT WRITE ON THE BACK OF THIS FORM.

NOTARIZATION OF THE COMPLAINT

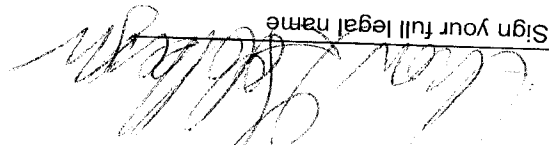
Based on the information contained in this form, I charge the above-named Respondent with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment), or filing my housing/credit complaint with HUD under Title VIII of the Federal Fair Housing Act, as amended (covers acts of discrimination in housing), as applicable. This complaint will protect your rights under Federal Law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law and/or to accept this complaint on behalf of the U.S. Department of Housing and Urban Development for review and additional filing by them, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.

Sign your full legal name


JANE SHAMSI-DEEN
Notary Public, State of New York
No. 12844702476
Qualified in Westchester County
My Commission Expires 10-31-17

Subscribed and sworn before me
This 26 day of May, 2016
Signature of Notary Public
County: Westchester
Commission expires: 10-31-17

Please note: Once this form is notarized and returned to the Division, it becomes a legal document and an official complaint with the Division of Human Rights. After the Division accepts your complaint, this form will be sent to the company or person(s) whom you are accusing of discrimination.

WHAT IS THE INVESTIGATIVE PROCEDURE?

The Division represents neither the Complainant nor the Respondent. The Division pursues the State's interest in the proper resolution of the matter in accordance with the Human Rights Law. Upon receipt of a complaint, the regional office will:

- Notify the Respondent(s). (A Respondent is a person or entity about whose action the Complainant complains.)
- Resolve issues of questionable jurisdiction.

- You, or your attorney, may review the Division's file in this matter, and may copy by hand any material in the file, or obtain photocopies at a nominal charge. The Respondent in this matter has the same right to review the file.
- Conciliation or settlement is possible at all points in the proceeding, and the Division may provide assistance with conciliation or settlement at the request of any party.
- Your complaint may voluntarily be withdrawn in writing by you at any time. The withdrawal form must be signed by you or your attorney (original or fax will be accepted). A withdrawal form may be obtained from the Division.
- You must notify the Division of any change in your address or telephone number. If the Division cannot contact you, we may not be able to proceed with your case. Inability to locate you will result in the eventual administrative dismissal of your case.
- Your complaint may voluntarily be withdrawn in writing by you at any time. The withdrawal form must be signed by you or your attorney (original or fax will be accepted). A withdrawal form may be obtained from the Division.
- Conciliation or settlement is possible at all points in the proceeding, and the Division may provide assistance with conciliation or settlement at the request of any party.
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YOUR RIGHTS AND RESPONSIBILITIES AS A COMPLAINANT

The New York State Division of Human Rights is a State agency mandated to receive, investigate and resolve complaints of discrimination under N. Y. Executive Law, Article 15 ("Human Rights Law"). The Division's role is to fairly and thoroughly investigate the allegations in light of all evidence gathered.

NEW YORK STATE DIVISION OF HUMAN RIGHTS CONCERNING COMPLAINT PROCEDURES OF INFORMATION FOR COMPLAINANTS

Division of
Human Rights



ANDREW M. CUOMO
Governor

HELEN DIANE FOSTER
Commissioner

WHAT IS A PUBLIC HEARING?

A public hearing, pursuant to the Human Rights Law, is a trial-like proceeding at which relevant evidence is placed in the hearing record. It is a hearing de novo, which means that the Commissioner's final decision on the case is based solely on the content of the hearing record. The public hearing is presided over by an Administrative Law Judge, and a verbatim transcript is made of the proceedings.

The hearing may last one or more days, not always consecutive. Parties are notified of all hearing sessions in advance, and the case may be adjourned to a later date only for good cause. The Complainant can retain private counsel for the hearing, but is not required to do so. If Complainant is not represented by private counsel, the Division's counsel prosecutes the case in support of the complaint. Respondent can retain private counsel for the hearing, and, if Respondent is

WHAT IS THE PROCEDURE FOLLOWING THE INVESTIGATION?

If there is a Determination of no probable cause, lack of jurisdiction, or any other type of dismissal of the case, the Complainant may appeal to the State Supreme Court within 60 days. If the Determination is one of probable cause, there is no appeal to court. The case then proceeds to public hearing before an Administrative Law Judge. Under Rule 465.20 (9 N.Y.C.R.R. § 465.20), the Respondent may ask the Commissioner of Human Rights within 60 days of the finding of probable cause to review the finding of probable cause.

WHAT IS THE DIVISION'S POLICY ON ADJOURNMENTS AND EXTENSIONS?

It is the Division's policy to investigate all cases promptly and expeditiously. Therefore, you are expected to cooperate with the investigation fully and promptly. No deadlines will be extended at any time during the investigation, unless good cause is shown in a written application submitted at least five (5) calendar days prior to the original deadline.

- Forward a copy of the complaint to the U.S. Equal Employment Opportunity Commission (EEOC) or the U.S. Department of Housing and Urban Development (HUD), where applicable. Such federal filing creates a complaint separate and apart from the complaint filed with the Division, and protects your rights under federal law, although in most cases only one investigation is conducted pursuant to work-sharing agreements with these federal agencies. Investigate the complaint through appropriate methods (written inquiry, field investigation, witness interviews, requests for documents, investigatory conference, etc.), in the discretion of the Regional Director. The investigation of the complaint is to be objective.
- Allow the parties to settle the matter by reaching agreement on terms acceptable to the Complainant, Respondent and the Division. The Division will allow settlement from the time of filing until the matter reaches a final resolution.
- Determine whether or not there is probable cause to believe that an act of discrimination has occurred, if the matter cannot be settled prior to that Determination. The Division will notify the Complainant and Respondent in writing of the Determination.

a corporation, is required to be represented by legal counsel. Attorneys for the parties or for the Division may issue subpoenas for documents and to compel the presence of witnesses.

At the conclusion of the hearing sessions, a proposed Order is prepared by the Administrative Law Judge and is sent to the parties for comment.

A final Order is issued by the Commissioner. The Commissioner either dismisses the complaint or finds discrimination. If discrimination is found, Respondent will be ordered to cease and desist and take appropriate action, such as reinstatement, training of staff, or provision of reasonable accommodation of disability. The Division may award money damages to Complainant, including back pay and compensatory damages for mental pain and suffering, and in the case of housing discrimination, punitive damages, attorney's fees and civil fines and penalties. A Commissioner's Order may be appealed by either party to the State Supreme Court within 60 days. Orders after hearing are transferred by the lower court to the Appellate Division for review.

WHAT IS A COMPLIANCE INVESTIGATION?

The compliance investigation unit verifies whether the Respondent has complied with the provisions of the Commissioner's Order. If the Respondent has not complied, enforcement proceedings in court may be brought by the Division.

NOTICE PURSUANT TO PERSONAL PRIVACY PROTECTION LAW

Pursuant to the Human Rights Law, the Division collects certain personal information from individuals filing complaints and from those against whom a complaint has been filed. The information is necessary to conduct a proper investigation; failure to provide such information could impair the Division's ability to properly investigate the matter. This information is maintained in a computerized Case Management System maintained by the Division's Director of Information Technology, who is located at One Fordham Plaza, Bronx, New York, (718) 741-8365.

GENERAL INFORMATION

For a more detailed explanation of the process, see the Division's Rules of Practice (9 N.Y.C.R.R. § 465) available on our website www.dhr.ny.gov. If you have any additional questions about the process, the investigator assigned to the case will be available to answer most questions.

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of disability, domestic violence victim status, familial status, sex, opposed discrimination/retaliation, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondent with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I also charge the above-named respondent with violating the Americans with Disabilities Act (ADA) (covers disability relating to employment). I hereby authorize SDHR to accept this verified complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

1. SEE ATTACHED COMPLAINT.

The allegations are:

Date most recent or continuing discrimination took place is 12/12/2015.

I, Aron Goldberger, residing at 405 Tarrytown Rd Apt 1120, Yonkers, NY, 10701, charge the above named respondent, whose address is 3333 Beverly Road, A3-115B, Hoffman Estates, IL, 60179 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of disability, domestic violence victim status, familial status, sex, opposed discrimination/retaliation.

Federal Charge No. 16GB603169

NEW YORK STATE DIVISION OF HUMAN RIGHTS on the Complaint of	
ARON GOLDBERGER,	Complainant,
v.	
SEARS, ROEBUCK AND CO.,	Respondent.

VERIFIED COMPLAINT
Pursuant to Executive Law,
Article 15
Case No. **10182188**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

On November 14, 2015, Complainant became irate with Loss Prevention personnel during a routine bag check. Her frustration was baseless. An associate's personal belongings are subject to visual inspection for merchandise at the end of their shift. (Enclosure No. 5, **Sears Associate Package, Receipt, and Personal-Belonging Check Policy**.) Contrary to her allegation that Respondent accused her of theft or stealing, Complainant was simply asked to submit to a bag check, per policy, like other Store associates. At the end of her shift Complainant attempted to leave without undergoing the bag check. Loss Prevention insisted on the bag check and when Complainant opened her Sears shopping bag she was unable to produce proof of purchase for the merchandise in the bag. Loss Prevention assisted Complainant and reviewed her account online but was able to verify purchase information for only one of the items in her shopping bag. When Loss Prevention asked

Sears *rehired* Complainant on June 3, 2014 at its Newburgh, NY store. On November 16, 2014 Complainant transferred to the Sears White Plains, NY Store. On December 7, 2014 Complainant began a leave of absence for wrist surgery. Complainant returned from her leave of absence on September 27, 2015 and continued working as a part-time Consultative Sales Associate (Enclosure No. 3, **Consultative Sales Associate FL2076 Job Description**) until her termination from the White Plains, NY Store for Job Abandonment effective November 22, 2015. (Enclosure No. 4, **Job Abandonment PeopleSoft page**.)

Sears originally hired Complainant on November 2, 2010 at its Poughkeepsie, NY store. Complainant transferred to the Sears White Plains, NY Store where she worked until she quit on August 1, 2011. On September 20, 2011 Sears *rehired* Complainant at the Kingston, NY store where she worked until she again quit on November 20, 2011. On December 3, 2011 Kmart Corporation *hired* Complainant at the White Plains, NY store where she worked until she quit yet again on February 4, 2012.

III. COMPLAINANT'S ALLEGATIONS AND SEARS' RESPONSE

Sears publishes its fair employment policies to associates in a variety of ways. The Store displays an All-in-One poster that includes a letter from the Format Leader explaining Sears' fair employment policies. (Enclosure No. 1, **Format Leader's Reaffirmation Statement of Affirmative Action and Equal Employment Opportunity**.) The Store also displays a poster titled "Harassment and Discrimination in the Workplace," and a tear off pamphlet regarding this policy. (Enclosure No. 2, **Pamphlet on Harassment and Discrimination in the Workplace**.) Associates are also given an Associate Handbook that sets forth a variety of workplace policies, including the prohibition of harassment and discrimination in the workplace. These materials advise associates and applicants that they can report any violations of the fair employment policies to a supervisor or manager or to a human resources representative. The handbook and related materials and Sears' Ethics Hotline and Associate Services Organization posters also advise associates and applicants of toll-free numbers that they may use to report and to address potential ethics and policy violations, including suspected violations of Sears' fair employment policies. These reports may be anonymous. This information is also available on the company intranet and on the company's Corporate Governance webpage. Associates receive training on Sears' fair employment policies and the procedures for reporting discriminatory and harassing conduct throughout their employment at Sears.

Sears' fair employment policies prohibit workplace harassment and discrimination against any applicant, associate, vendor, contractor or customer on the basis of race, color, religion, gender, gender identity, national origin, age, disability, genetic information, veteran status, pregnancy, citizenship, sexual orientation, marital status, ethnicity or any other reason prohibited by law. The policies also prohibit all forms of retaliation against any individual who has complained of harassing or discriminatory conduct or participated in a company or agency investigation into such complaints.

II. SEARS' FAIR EMPLOYMENT POLICIES PROHIBIT HARASSMENT AND DISCRIMINATION IN THE WORKPLACE

3

RECEIVED
JUN 20 2016

10182188
New York State Division of Human Rights
Complaint Form

RECEIVED
JUN 14 2016
BROOKLYN SATILLITE OFFICE

CONTACT INFORMATION

My contact information:

Name: Aras Goldberger
Address: 405 Langford Rd
City: White Plains
State: NY Zip: 10704
Apt or Floor #: 1120

REGULATED AREAS

I believe I was discriminated against in the area of:

- ☒ Public Accommodations (Restaurants, stores, hotels, movie theaters amusement parks, etc.)
☒ Apprenticeship Training
☒ Employment
☒ Boycotting/Blacklisting
☒ Commercial Space
☐ Housing
☐ Labor Union, Employment Agencies
☐ Credit
☐ Volunteer firefighting
☐ Internship

I am filing a complaint against:

Company or Other Name: SEARS Roebuck & Company/KMART
Address: 8333 Beverly Road
City: Jefferson Estates
Telephone Number: 847 286 2500 (area code)
Individual people who discriminated against me:
Name: Juan Garcia Title: Store Manager
Name: Phillip Desjardine Title: Empire State District Manager
State: IL Zip: 60179
City: NEW YORK
Address: 100 Main Street N.Y. 10607

DATE OF DISCRIMINATION

The most recent act of discrimination happened on:

month 12 day 12 year 2015

BASIS OF DISCRIMINATION

Please tell us why you were discriminated against by checking one or more of the boxes below.

You do not need to provide information for every type of discrimination on this list. Before you check a box, make sure you are checking it only if you believe it was a reason for the discrimination. Please look at the list on Page 1 for an explanation of each type of discrimination.

Please note: Some types of discrimination on this list do not apply to all of the regulated areas listed on Page 3. (For example, Conviction Record applies only to Employment and Credit complaints, and Domestic Violence Victim Status is a basis only in Employment complaints). These exceptions are listed next to the types of discrimination below.

I believe I was discriminated against because of my:

<input type="checkbox"/> Age (Does not apply to Public Accommodations)	Date of Birth: Please specify:
<input type="checkbox"/> Arrest Record (Only for Employment, Licensing, and Credit)	Please specify:
<input type="checkbox"/> Conviction Record (Employment and Credit only)	Please specify:
<input type="checkbox"/> Creed / Religion	Please specify:
<input checked="" type="checkbox"/> Disability	Please specify: <i>Disability with ADHD / Hypertension due to disability</i>
<input type="checkbox"/> Pregnancy-Related Condition:	Please specify:
<input type="checkbox"/> Sex	Please specify: <input type="checkbox"/> Female <input type="checkbox"/> Male
<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Pregnancy
<input type="checkbox"/> Sexual Orientation	Please specify:
<input checked="" type="checkbox"/> Retaliation (If you filed a discrimination case before, or helped someone else with a discrimination case, or reported discrimination due to race, sex, or any other category listed above)	Please specify: <i>Legal rights</i>
<input type="checkbox"/> Familial Status (Does not apply to Public Accommodations or Education)	Please specify:
<input checked="" type="checkbox"/> Domestic Violence Victim Status:	Please specify: <i>Stalker behavior Black listed</i>

STOP Before you turn to the next page, please check this list to make sure that you provided information *only* for the type of discrimination that relates to your complaint.

Stalker behavior with employer

Fw: Contact Info

From: odrica@yahoo.com (odrica@yahoo.com)
To: kingdomseekersinc2020@gmail.com
Date: Monday, December 6, 2021, 02:08 PM EST

----- Forwarded Message -----

From: Odrica Harrow <odrica@yahoo.com>
To: fz@fzapatalaw.com <fz@fzapatalaw.com>
Sent: Monday, March 30, 2015, 05:07:24 PM EDT
Subject: Fw: Contact Info

Odrica Harrow
(347)-552-7523
Email-odrica@yahoo.com

On Wednesday, March 26, 2014 10:37 PM, Odrica Harrow <odrica@yahoo.com> wrote:

Odrica Harrow
(914)-309-6901
Email-odrica@yahoo.com

On Monday, March 7, 2011 6:56 PM, Odrica Harrow <odrica@yahoo.com> wrote:
Hi David,

I just wanted to follow up with you on some of the larger referrals progress, such as the hotel in Atlantic City(3600 units +) and the affordable housing projects in NY(5000 units) along with the status of the other 31 referrals.

Yahoo Mail - Fw: Contact Info

*****Important*****

I also wanted to inform you of my store transfer from Poughkeepsie NY(#1333) to White Plains NY(#1674). I wanted to make sure I informed you of the store change for commission payment purposes. My employee ID # has changed behind this move from # 01023524510 to #075649750 please update your info for referral payments from commercial projects that have been referred by me. The White Plains store # is 1674.

Please contact me if you have any questions. Still waiting for the call from Mr. Smith. Thanks David!

Odrica

Odrica Harrow-Ested

914-338-6393

Email-odrica@yahoo.com

--- On Wed, 2/16/11, Aronson, David <David.Aronson@searshc.com> wrote:

From: Aronson, David <David.Aronson@searshc.com>

Subject: Contact Info

To: odrica@yahoo.com

Cc: "Abercrombie, Bridget" <Bridget.Abercrombie@searshc.com>

Date: Wednesday, February 16, 2011, 3:54 PM

Odrica,

Thank you for entrusting Sears Commercial to assist in serving your business customers. Please continue to work the process by entering retail leads into our web form. If you have 10+ leads and would like them uploaded to our system and distributed to the team, please send a spreadsheet with the appropriate information (as detailed on the web form) to Bridget Abercrombie (copied).

We look forward to working with you to serve the needs of SHC's business customers!

Dave

David Aronson

Director, Business Process Development

Sears Commercial

o: 847.286.7659

c: 312.725.4514

3333 Beverly Rd., G3-209A

Hoffman Estates, IL 60179

david.aronson@searshc.com

Yahoo Mail - Fw: Contact Info

12/9/21, 7:57 PM



Aron Goldberger <kingdomseekersinc2020@gmail.com>

18-23538-shl

Doc 10145-1 Filed 12/10/21
Reconsider - Part 2

Entered 12/10/21 10:20:18
Pg 33 of 41

Motion to

Fw: Keeping Track of my Commercial Referred Leads

1 message

odrica@yahoo.com <odrica@yahoo.com>

Reply-To: "odrica@yahoo.com" <odrica@yahoo.com>

To: kingdomseekersinc2020@gmail.com

Mon, Dec 6, 2021 at 1:39 PM

----- Forwarded Message -----

From: Odrica Harrow <odrica@yahoo.com>

To: fz@fzapatalaw.com <fz@fzapatalaw.com>

Sent: Monday, March 30, 2015, 05:13:09 PM EDT

Subject: Fw: Keeping Track of my Commercial Referred Leads

Odrica Harrow

(347)-552-7523

Email-odrica@yahoo.com

On Monday, July 25, 2011 10:54 AM, "Harrow, Odrica L" <Odrica.Harrow@searshc.com> wrote:

Sears Holdings
Odrica Harrow
Consultative Sales/ Home Appliances
100 Main St. White Plains, NY
Store 914-644-1528
Cell 914-338-6393
email odrica.harrow@searshc.com
email to mobile device odrica@yahoo.com

-----Original Message-----

Gmail - Fw: Keeping Track of my Commercial Referred Leads

From: McGinnis, Joel
Sent: Tue 4/26/2011 2:50 PM
To: Cawthon, Bob
Cc: Harrow, Odrica L
Subject: FW: Keeping Track of my Commercial Referred Leads

Bob,

Can you help answer Odrica's question below.

Odrica,

Bob works on the Commercial Sales team.

Thanks,

Joel McGinnis

Divisional Sales Manager - Home Appliances

AC-302A

(847)286-3838

From: Harrow, Odrica L
Sent: Tuesday, April 26, 2011 1:41 PM
To: McGinnis, Joel
Subject: RE: Keeping Track of my Commercial Referred Leads

Hi Joel, I am familiar with this link, but this answers absolutely none of my questions. see the situation and concerns below....

My Name is Odrica Harrow I work in HA store # 1674 part time. I work full time as a associate real estate broker with Century 21 Anita Ferri Realty Poughkeepsie NY. I also am a licensed corporate commercial broker of my own private real estate investment company, with lots of commercial real estate leads in my contact base. My real estate business is based on referrals and keeping track of them. I have referred close to 50 deals to Sears Commercial for Appliance Sales Contracts. Some large projects have qualified. Im interested in knowing, how does Sears go about keeping a professional like me up to speed with the referred deals in progress? I have not recieved the \$10 referral fee for qualifieds, the only part about that that disturbs me is the ASM who issues the refferral fee is not experienced with disbursing those funds and are unaware of the steps in notifying and compensating me for qualified leads, which means they are unaware of how to compensate the 1% or \$50 whichever is larger payment from referral. It would be good for them to know how to process this payment before hand as I may be behind on payments owed to me or any other employees. I am in contact with David Aronson and he has confirmed some qualifieds deals with me. He also informed me that this is a new program since 2009. Please update me on these leads so that my business records can be updated and remain organized.

Thanks, and have a blessed day!

Odrica Harrow

9143386393

From: McGinnis, Joel
Sent: Tue 4/26/2011 9:24 AM
To: Speten, Shane; Hunter, James (Retail Services)
Cc: Kutulas, Brad; Harrow, Odrica L
Subject: RE: Keeping Track of my Commercial Referred Leads

Here is the link to the current process.

http://d731so.intra.sears.com/catalogs/contract_sales/catalog.htm

Gmail - Fw: Keeping Track of my Commercial Referred Leads

Thanks,

Joel McGinnis

Divisional Sales Manager - Home Appliances

AC-302A

(847)286-3838

From: Speten, Shane

Sent: Monday, April 25, 2011 5:06 PM

To: Hunter, James (Retail Services); McGinnis, Joel

Cc: Kutulas, Brad; Harrow, Odrica L

Subject: FW: Keeping Track of my Commercial Referred Leads

James/Joel,

Can you advise Harrow what the current Retail Commercial Lead process is? Thanks..

Shane Speten

Director, Home Services Retail Trusted Advisors

847-286-5792

A4-259B

sspete@searshc.com

Gmail - Fw: Keeping Track of my Commercial Referred Leads

-----Original Message-----
From: Kutulas, Brad
Sent: Monday, April 25, 2011 2:39 PM
To: Harrow, Odrlica L; Speten, Shane
Subject: RE: Keeping Track of my Commercial Referred Leads

Shane,

Can you please address or forward to the person who owns this program?

Odrlica,

I have not been involved with this program since its pilot launch 4 years ago. Shane will help you get in touch with the right person.

Brad Kutulas

Buyer - Laundry, Floorcare and Consumer Electronics

Sears Hometown Stores, HA Showrooms and Hardware Stores

Phone: (847)286-3987

Email: Bkutula@searshc.com

See you at Hometown Celebration 2012!!!!

From: Harrow, Odrica L
Sent: Monday, April 25, 2011 1:50 PM
To: Kutulas, Brad
Subject: Keeping Track of my Commercial Referred Leads

Hi There,

My Name is Odrica Harrow I work in HA store # 1674 part time. I work full time as a associate real estate broker with Century 21 Anita Ferri Realty Poughkeepsie NY. I also am a licensed corporate broker of my own private real estate investment company, with lots of commercial real estate leads for 10 years. My real estate business is based on referrals and keeping track of them. I have referred close to 50 deals to Sears Commercial for Appliance Sales Contracts. Some large projects have qualified. Im interested in knowing how Sears goes about keeping a professional like me up to speed with the referred deals progress. I have not recieved the \$10 referral fee for qualifieds, the only part about that that disturbs me is the ASM who issues the referral fee is not experienced with disbursing those funds and are unaware of the steps in notifying and compensating me for qualified leads, which means they are unaware of how to compensate the 1% or \$50 whichever is larger payment owed to me or any other employees. Ive connected with David Aronson on this topic and I believe he may be working on this solution or he may be too busy to handle this issue. He also informed me that this is a new program since 2009. Please update me on these leads so that my business records can be updated and remain organized.

Thanks, and have a blessed day!

Odrica Harrow

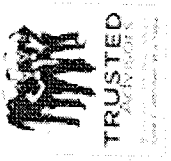
9143386393

This message, including any attachments, is the property of Sears Holdings Corporation and/or one of its subsidiaries. It is confidential and may contain proprietary or legally privileged information. If you are not the intended recipient, please delete it without reading the contents. Thank you.

image001.gif
3K

Gmail - Fw: Keeping Track of my Commercial Referred Leads

12/8/21, 11:49 AM



Date: June 20, 2016

[] The Age Discrimination in Employment Act of 1967, as amended (ADEA) – If you want to file a private lawsuit with your own private attorney, you could do so any time after 60 days from the date you filed your complaint with the New York State Division of Human Rights. This is only if you do not want the New York State Division of Human Rights to conduct an investigation, otherwise you do not need to do anything at this time. The New York State Division of Human Rights will contact you and/or advise you in the near future of their investigation and determination findings.

[X] The Americans with Disabilities Act of 1990 (ADA) – Same as Title VII, above.

[X] Title VII of the Civil Rights Act of 1964, as amended – If you want to file a private lawsuit in federal district court with your own private attorney because you do not want the New York State Division of Human Rights to conduct an investigation, you may request from the EEOC a Notice of Right to Sue, 180 days after you have filed your complaint. Once the EEOC grants your request, it is only valid for ninety (90) days from the date the Notice was issued, after which your time to sue expires. If you want the New York State Division of Human Rights to conduct an investigation, you do not need to make this request, or to contact or write either agency. The New York State Division of Human Rights will contact you and/or advise you in the near future of their investigation and determination findings.

YOUR FEDERAL RIGHTS (if you filed under):

This office has been informed that you filed a complaint of employment discrimination with the New York State Division of Human Rights (NYS DHR). The purpose of this notice is to inform you of your federal rights pursuant to one or more of the statutes under which you may have filed. Please be advised that your complaint will be investigated by the New York State Division of Human Rights, not the Federal Equal Employment Opportunity Commission (EEOC). All questions, correspondence and status reports with regard to your case must be directed to the New York State Division of Human Rights office where your complaint was filed.

NOTICE

EEOC Charge Number: 16GB603169
NYS DHR Case Number: 10182188

Aron Goldberger
405 Tarrytown Rd Apt 1120
Yonkers, NY 10701

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004-2112

Date: June 20, 2016

This address is for review purposes only. Remember, if you have questions concerning the status of your case, you must contact the New York State Division of Human Rights.

Equal Employment Opportunity Commission
Attn: State and Local Unit
33 Whitehall Street, 5th Floor
New York, New York 10004-2112

Mail your request for substantial weight review to:

You review request must specify the reason(s) why you do not agree with the New York State Division of Human Rights final determination.
If you want the EEOC to review the New York State Division of Human Rights final determination, because you are not satisfied with their final findings, you may request that the EEOC conduct a substantial weight review. This request must be done in writing to the EEOC and within fifteen (15) days from the date you received the New York State Division of Human Rights final determination. Otherwise, we will adopt the state findings.

EEOC REVIEW PROCEDURE

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004-2112